

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emilia Mancini	Team: Squad #6	CCRB Case #: 201804291	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 05/20/2018 4:40 AM	Location of Incident: In front of 57-07 Shore Front Parkway, § 87(2)(b)	Precinct: 101	18 Mo. SOL 11/20/2019	EO SOL 11/20/2019	
Date/Time CV Reported Sun, 05/20/2018 8:00 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 05/30/2018 11:04 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Richard Quilty	20740	959429	101 PCT
2. POM Rosario Castellano	92	958378	101 PCT
3. POM Sean Donohue	17693	960474	101 PCT
4. POM Anthony Armetta	15456	944333	101 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Richard Quilty	Force: At 57-07 Shore Front Parkway in Queens, Police Officer Richard Quilty used physical force against § 87(2)(b)	§ 87(2)(b)
B.POM Rosario Castellano	Force: At 57-07 Shore Front Parkway in Queens, Police Officer Rosario Castellano used physical force against § 87(2)(b)	§ 87(2)(b)
C.POM Richard Quilty	Force: At 57-07 Shore Front Parkway in Queens, Police Officer Richard Quilty struck § 87(2)(b) with a blunt instrument.	§ 87(2)(b)
D.POM Rosario Castellano	Force: At 57-07 Shore Front Parkway in Queens, Police Officer Rosario Castellano struck § 87(2)(b) with a blunt instrument.	§ 87(2)(b)
E.POM Richard Quilty	Force: At 57-07 Shore Front Parkway in Queens, Police Officer Richard Quilty used physical force against § 87(2)(b)	§ 87(2)(b)
F.POM Rosario Castellano	Force: At 57-07 Shore Front Parkway in Queens, Police Officer Rosario Castellano used physical force against § 87(2)(b)	§ 87(2)(b)
G.POM Sean Donohue	Force: At 57-07 Shore Front Parkway in Queens, Police Officer Sean Donohue used physical force against § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
H.POM Anthony Armetta	Force: At 57-07 Shore Front Parkway in Queens, Police Officer Anthony Armetta used physical force against § 87(2)(b)	
I.POM Sean Donohue	Force: At § 87(2)(b) in Queens, Police Officer Sean Donohue used physical force against § 87(2)(b)	
J.POM Anthony Armetta	Force: At § 87(2)(b) in Queens, Police Officer Anthony Armetta used physical force against § 87(2)(b)	

Case Summary

On May 20, 2018, Sergeant James Woods called the IAB Command Center and reported that § 87(2)(b) alleged he was injured during his arrest and was transported to § 87(2)(b) § 87(2)(b). This complaint was received at the CCRB on May 30, 2018.

On May 20, 2018, at approximately 4:40 a.m., PO Richard Quilty and PO Rosario Castellano, both of the 101st Precinct, responded to 911 call at Arverne View, an apartment complex located at 57-07 Shore Front Parkway in Queens. PO Quilty and PO Castellano allegedly grabbed § 87(2)(b) and brought him to the ground (**Allegation A: Force, § 87(2)(g) § 87(2)(b); Allegation B: Force, § 87(2)(g) § 87(2)(b)**). On the ground, PO Quilty and PO Castellano allegedly struck § 87(2)(b) with a blunt instrument (**Allegation C: Force, § 87(2)(g) § 87(2)(b); Allegation D: Force, § 87(2)(g) § 87(2)(b)**). PO Anthony Armetta and PO Sean Donohue, also of the 101st Precinct, responded to the location. PO Quilty, PO Castellano, PO Donohue, and PO Armetta allegedly punched § 87(2)(b) on his torso (**Allegation E: Force, § 87(2)(g) § 87(2)(b); Allegation F: Force, § 87(2)(g) § 87(2)(b); Allegation G: Force, § 87(2)(g) § 87(2)(b); Allegation H: Force, § 87(2)(g) § 87(2)(b)**). § 87(2)(b) was arrested for resisting arrest, assault, and harassment and § 87(2)(b) § 87(2)(b). § 87(2)(b) was transported to § 87(2)(b) for a laceration to his shoulder (**Allegation I: Force, § 87(2)(g) § 87(2)(b); Allegation J: Force, § 87(2)(g) § 87(2)(b)**).

The CCRB obtained video footage from surveillance cameras at Arverne View. The original footage can be found in IA #44 [06 Board Review] and is summarized in IA #83 [18 Board Review]. Copies of the relevant aspects of the footage can be found below. However, the footage does not depict any interaction between § 87(2)(b) and the police.

Findings and Recommendations

Allegation A – Force: At 57-07 Shore Front Parkway in Queens, Police Officer Richard Quilty used physical force against § 87(2)(b)

Allegation B – Force: At 57-07 Shore Front Parkway in Queens, Police Officer Rosario Castellano used physical force against § 87(2)(b)

Allegation C – Force: At 57-07 Shore Front Parkway in Queens, Police Officer Richard Quilty struck § 87(2)(b) with a blunt instrument.

Allegation D – Force: At 57-07 Shore Front Parkway in Queens, Police Officer Rosario Castellano struck § 87(2)(b) with a blunt instrument.

Allegation E – Force: At 57-07 Shore Front Parkway in Queens, Police Officer Richard Quilty used physical force against § 87(2)(b)

Allegation F – Force: At 57-07 Shore Front Parkway in Queens, Police Officer Rosario Castellano used physical force against § 87(2)(b)

Allegation G - Force: At 57-07 Shore Front Parkway in Queens, Police Officer Sean Donohue used physical force against § 87(2)(b)

Allegation H– Force: At 57-07 Shore Front Parkway in Queens, Police Officer Anthony Armetta used physical force against § 87(2)(b)

A Snagit of the surveillance footage obtained from Arverne View can be found below.



Snagit 20804291.mp4

Based on the timestamp of the footage, which was confirmed to be accurate by § 87(2)(b) § 87(2)(b) a security guard at Arverne View, it was determined that this video was recorded

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before § 87(2)(b)'s interaction with the police. The footage depicts § 87(2)(b) and § 87(2)(b) having an altercation inside an elevator. § 87(2)(b) has a visible laceration on his left shoulder.

§ 87(2)(b) testified that he did not have a good memory of the incident because, at that time, he was under the influence of cocaine, alcohol, and marijuana. After a physical dispute with his girlfriend, § 87(2)(b) left the building and walked on the street, where he saw a police car with its sirens on approaching him. PO Quilty and PO Castellano exited the vehicle and ordered § 87(2)(b) to put his hands behind his back numerous times. § 87(2)(b) assumed that the officers confused him with somebody else and did not comply with their orders. PO Quilty and PO Castellano grabbed § 87(2)(b)'s arms and pulled them back behind his back, but § 87(2)(b) resisted by pulling his arms apart. After approximately two minutes of struggle, either PO Quilty or PO Castellano, § 87(2)(b) did not know who, used his leg to trip § 87(2)(b) who fell to the ground. § 87(2)(b) landed on his chest. PO Quilty and PO Castellano continued to pull § 87(2)(b)'s arms behind his back, and § 87(2)(b) kept pulling them apart. While § 87(2)(b) was on the ground, PO Donohue and PO Armetta arrived on scene. An officer, § 87(2)(b) could not specify who, placed his knee on § 87(2)(b)'s lower back and pulled § 87(2)(b)'s arms backward. As this was happening, several officers, § 87(2)(b) could not specify who, allegedly punched him in his ribs. While § 87(2)(b) was on the ground, an officer, § 87(2)(b) could not specify who, allegedly struck his right shoulder with an inanimate object, causing a laceration. § 87(2)(b) lost consciousness on the ground and woke up in an ambulance. [01 Board Review].

§ 87(2)(b)'s medical records from § 87(2)(b) document that § 87(2)(b) was stabbed on his left shoulder and sustained a puncture wound [13 Board Review]. § 87(2)(b)'s medical records do not specify how this injury occurred, but note that he was involved in an altercation with his girlfriend.

§ 87(2)(b) testified that after the altercation with § 87(2)(b) she saw § 87(2)(b) call 911. § 87(2)(b) then walked outside of the building, where five uniformed officers approached him and ordered him to get on the ground. § 87(2)(b) complied and laid flat on his stomach. The officers ordered § 87(2)(b) to put his hands behind his back and he immediately complied and did not resist in any way. Three officers got on top of § 87(2)(b) and put his hands behind his back and two officers allegedly kicked § 87(2)(b) on his side. § 87(2)(b) was then handcuffed. § 87(2)(b) was not sure if an officer drew his asp or struck § 87(2)(b) with a blunt instrument because it was dark outside and she could not see clearly. § 87(2)(b) did not note if § 87(2)(b) lost consciousness [02 Board Review].

§ 87(2)(b) testified that he was on his break when he saw § 87(2)(b) punch § 87(2)(b) in the face near the building's elevators. § 87(2)(b) approached and grabbed § 87(2)(b) by his shoulders to keep him and § 87(2)(b) separated. § 87(2)(b) later noticed that he had blood on one of his hands. § 87(2)(b) called 911 and ordered § 87(2)(b) to leave the building. § 87(2)(b) left the building and § 87(2)(b) and § 87(2)(b) another security guard at Arverne View, also exited the building to wait for officers. Approximately five minutes later, PO Quilty and PO Castellano arrived and § 87(2)(b) pointed at § 87(2)(b) who was across the street. § 87(2)(b) then crossed the street to approach the officers and said "Move! Get out of my way!" At the same time, § 87(2)(b) left the location. PO Quilty and PO Castellano ordered § 87(2)(b) to put his hands behind his back but he did not comply. PO Quilty and PO Castellano grabbed § 87(2)(b)'s arms and PO Quilty put § 87(2)(b)'s right arm behind his back. However, § 87(2)(b) moved his left arm back and forth to avoid being handcuffed. PO Castellano pushed one of § 87(2)(b)'s legs forward, causing him to fall to the ground. PO Castellano held § 87(2)(b) down by placing his knee across the back of § 87(2)(b)'s legs, while PO Quilty, who was still holding § 87(2)(b)'s right arm,

placed his knee on § 87(2)(b)'s left shoulder. Both PO Quilty and PO Castellano tried to grab § 87(2)(b)'s left arm, which he kept moving back and forth along with his legs. An EMT arrived and held § 87(2)(b)'s legs while PO Castellano and PO Quilty grabbed § 87(2)(b)'s left arm, pulled it behind his back and handcuffed him. Additional units arrived and assisted with handcuffing § 87(2)(b). § 87(2)(b) denied officers used any additional physical force against § 87(2)(b) [03 Board Review].

§ 87(2)(b) was unavailable to the investigation (see IAs for contact attempts). § 87(2)(b) and § 87(2)(b) emergency medical technicians employed by the FDNY, each testified that § 87(2)(b) was handcuffed and sitting on the sidewalk upon their arrival and denied seeing officers use any force against § 87(2)(b) [04 Board Review, 05 Board Review].

PO Quilty testified that when he and PO Castellano arrived at the location, § 87(2)(b) told them that § 87(2)(b) beat up § 87(2)(b) and walked away. § 87(2)(b) pointed at § 87(2)(b) who was walking outside of the building. PO Quilty and PO Castellano followed § 87(2)(b) who turned and walked towards them with his hands in his pockets. PO Quilty and PO Castellano ordered § 87(2)(b) to remove his hands from his pockets multiple times. However, § 87(2)(b) did not remove his hands from his pockets and kept walking toward the officers. When § 87(2)(b) was a few inches away, PO Quilty and PO Castellano grabbed him by the arms and pulled his hands out of his pockets. PO Quilty and PO Castellano tried to pull § 87(2)(b)'s hands behind his back, but § 87(2)(b) pushed his arms apart. PO Quilty and PO Castellano then pushed § 87(2)(b) to the ground. PO Quilty did not recall how § 87(2)(b) landed on the ground. Additional officers arrived, though PO Quilty could not recall who. While § 87(2)(b) was on the ground, he pushed the officers away by moving his arms around and kicked and shoved officers. § 87(2)(b) also tried to get up and run away. PO Quilty and PO Castellano ultimately pulled § 87(2)(b)'s hands behind his back and handcuffed him with the assistance of additional officers holding his arms. PO Quilty denied that any additional force was used against § 87(2)(b). PO Quilty denied that he or any other officer punched or struck § 87(2)(b) in any part of his body. PO Quilty denied that he or any other officer struck § 87(2)(b) with a blunt instrument. After PO Quilty and PO Castellano handcuffed § 87(2)(b), PO Quilty noticed that there was blood all over his and PO Castellano's hands and observed that § 87(2)(b) had an open wound on his left shoulder [07 Board Review].

PO Castellano's testimony was generally consistent with PO Quilty's account with the addition of the following details. After PO Castellano and PO Quilty took § 87(2)(b) to the ground, § 87(2)(b) resisted by moving his shoulders and his arms trying to get back up. PO Castellano and PO Quilty intentionally went to the ground with § 87(2)(b) was holding his arms underneath his body and PO Castellano and PO Quilty tried to pull them out. Additional officers arrived around this time, though PO Castellano could not recall who. PO Castellano and PO Quilty were ultimately able to pull § 87(2)(b)'s arms out from underneath his body and handcuffed him. PO Castellano denied that any additional force was used against § 87(2)(b) [08 Board Review].

PO Donohue and PO Armetta both testified that upon arriving at the location, they saw PO Quilty and PO Castellano on the ground with § 87(2)(b) who was handcuffed and laying down. PO Donohue exited the car and ran up to PO Castellano and PO Quilty, while PO Armetta looked for parking. PO Donohue and PO Armetta denied that any other officers were present at the location. PO Donohue and PO Armetta denied that they or any officer punched § 87(2)(b) or struck him with a blunt instrument. PO Donohue and PO Armetta denied having any interaction with § 87(2)(b) [09 Board Review, 10 Board Review].

The Threat, Resistance or Injury (TRI) and in the TRI Investigating Supervisor's Assessment Reports (ISAR) generated in regards to this incident [11 Board Review, 12 Board Review], document that, given § 87(2)(b)'s resistance, PO Quilty and PO Castellano wrestled him and pushed him to the ground. No other force is noted.

According to NYPD Patrol Guide, Section 221-01, officers may use reasonable force under the circumstances to place a person in custody [14 Board Review].

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation I – Force: At § 87(2)(b), PO Sean Donohue used physical force against § 87(2)(b)

Allegation J – Force: At § 87(2)(b), PO Anthony Armetta used physical force against § 87(2)(b)

§ 87(2)(b) testified that, after his arrest, he woke up in a hospital bed with approximately six officers around him, at least one of whom repeatedly poked him on or near the laceration on his arm. § 87(2)(b) did not mention the presence of any EMTs at the time [01 Board Review].

§ 87(2)(b)'s medical records from § 87(2)(b) that he was aggressive, combative, cursing, and attempting to jump off the stretcher. § 87(2)(b) was sedated as a result [13 Board Review].

EMT § 87(2)(b) testified that she and EMT § 87(2)(b) placed § 87(2)(b) on a stretcher and transported him inside the hospital with PO Donohue and PO Armetta. § 87(2)(b) was very quiet and calm. EMT § 87(2)(b) denied that any officers poked § 87(2)(b) on or near the laceration on his shoulder [05 Board Review].

EMT § 87(2)(b) testified that upon arriving at the hospital, § 87(2)(b) became violent and aggressive, especially towards the nursing staff. § 87(2)(b) was uncooperative to the point that he struggled against the straps of the stretcher in an effort to get up. § 87(2)(b) spat at the nurses and used profanity toward them and the EMTs. A nurse injected § 87(2)(b) with a sedative. EMT § 87(2)(b), PO Donohue, and PO Armetta waited with § 87(2)(b) until he was assigned to a hospital bed, at which point they all left. EMT § 87(2)(b) denied that any officer poked § 87(2)(b) on or near his laceration [04 Board Review].

PO Donohue and PO Armetta testified that they escorted § 87(2)(b) to the hospital and no other officers were present. PO Donohue and PO Armetta each denied poking § 87(2)(b) on or near his laceration and denied seeing any other officers doing so [09 Board Review].

PO Armetta's testimony corroborated PO Donohue's account [10 Board Review].

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- PO Quilty has been a member of service for three years and has been a subject in two CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)
- PO Castellano has been a member of service for three years and has been a subject of two CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)
- PO Donohue has been a member of service for two years and has been a subject of one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)
- PO Armetta has been a member of service for eleven years and has been a subject of three CCRB complaints and five allegations, of which two were substantiated.
 - 200813508 involved a substantiated allegation of a stop. The Board recommended instructions and the NYPD concurred.
 - § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of November 7, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint [16 Board Review].
- § 87(2)(b), § 87(2)(c) (impair contract awards or CBAs)

Squad No.: 6

Investigator: _____ Emilia Mancini _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date